

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RYAN M. CLANCY

Plaintiff,

Case No.: 21-CV-881

v.

CITY OF MILWAUKEE, *et al.*,

Defendants.

PLAINTIFF'S PRETRIAL REPORT

The plaintiff, Ryan Clancy, by and through his counsel, Martin Law Office, S.C., hereby submits this Pretrial Report.

A. Case Summary

Ryan Clancy is and was an elected Milwaukee County Supervisor. During the George Floyd protests in 2020, Mr. Clancy was in the City of Milwaukee in the vicinity of a protest that was lingering into the evening of May 31, 2020. A curfew was in effect in the City of Milwaukee that night. However, the curfew exempted government employees acting in their official capacity, such as Mr. Clancy.

Mr. Clancy was observing and filming the interactions between residents and law enforcement when Officer David Bettin arrested Mr. Clancy by forcefully bringing him to the ground and securing his wrists in flexi-cuffs. Officer Bettin gave no warnings or instructions to Mr. Clancy before arresting him. Officer Bettin testified that his only grounds for arresting Mr. Clancy was his belief that Mr. Clancy was in violation of the curfew.

Prior to his arrest, Mr. Clancy was told by another law enforcement officer that he was permitted to be in the location. Mr. Clancy understood that he was exempt from the curfew because he was an elected government official. In order to show that he was acting in his official capacity as a government employee, Mr. Clancy was wearing a Milwaukee County insignia pin on his jacket. He also carried identification with him. Officer Bettin testified that he did not conduct any investigation as to who Mr. Clancy was, his reasons for being present, or whether he was acting in an official capacity when he arrested Mr. Clancy.

Mr. Clancy informed Officer Bettin that he was an elected official. Officer Bettin then turned Mr. Clancy over to Captain Christopher Moews to decide what to do. Supervisor Clancy informed Captain Moews of his employment as a county official and provided proof of his employment and an explanation as to what he was doing at the protest. Nevertheless, Captain Moews refused to release Mr. Clancy and instructed that Mr. Clancy remain arrested and be taken from the scene.

Supervisor Clancy asserts the following causes of action: (1) Excessive Force Against David Bettin, (2) False Arrest Against David Bettin, (3) False Arrest Against Christopher Moews, (4) Failure to Intervene Against Christopher Moews.

Supervisor Clancy seeks compensatory and punitive damages relating to his false arrest and excessive force. Supervisor Clancy is not claiming special damages.

B. List of Witnesses - Total Anticipated Time for Direct Testimony: 5.25 Hours

1. Ryan Clancy – 1.5 Hours

2543 S. Howell Ave.
Milwaukee, WI 53217

The plaintiff, Ryan Clancy, will testify regarding the circumstances leading up to and surrounding his wrongful arrest. Mr. Clancy will testify that he was acting within his official

capacity as a Milwaukee County Supervisor at the time of his arrest and will testify regarding the scope of his employment as a Milwaukee County Supervisor. Mr. Clancy will offer testimony regarding his damages resulting from his wrongful arrest and the use of force.

2. **Becky Clancy – .75 Hours**

2543 S. Howell Ave.
Milwaukee, WI 53217

Becky Clancy is the spouse of Ryan Clancy. Becky Clancy will testify as to her knowledge of Ryan Clancy's damages, including the impact that the wrongful arrest and use of excessive force had on Mr. Clancy.

3. **Jeramey Jannene – 0.5 Hours**

2818 S. Lenox St.
Milwaukee, WI 53207

Jeramey Jannene is an eyewitness to the arrest of Mr. Clancy. Mr. Jannene will testify regarding his observations of Supervisor Clancy and the interactions between Supervisor Clancy and the defendants. Mr. Jannene is also expected to authenticate video that he took of Supervisor Clancy and the defendants.

4. **Nat Godley, PhD – 0.5 Hours**

Prof. Nat Godley was present with Mr. Clancy prior to the subject incident. Mr. Godley and Mr. Clancy initially attended the protests together in their capacity as Legal Observers with the ACLU. Mr. Godley will testify as to his observations of the protests on the date in question, the circumstances leading up to the incident in question, ACLU's rules and procedures applicable to legal observers, and his knowledge as to the capacity in which Mr. Clancy stayed to observe the protests.

5. Officer David Bettin (Adversely) – .75 Hours

Officer David Bettin is a defendant. Officer David Bettin will testify regarding the circumstances surrounding the arrest of the plaintiff, Ryan Clancy, his decision to arrest Mr. Clancy, and his use of force against Mr. Clancy.

6. Captain Christopher A. Moews (Adversely) – 0.75 Hours

Captain Christopher A. Mowes is a defendant. Captain Moews will testify regarding the circumstances surrounding the arrest of the plaintiff, Ryan Clancy, his direct role in the arrest of Mr. Clancy, his decision to order the continued the arrest of Mr. Clancy, and his decision not to intervene to release Ryan Clancy.

Expected duration: 45 minutes.

7. Officer Matthew Rosen (Adversely) – 0.5 Minutes

Officer Matthew Rosen will be called, if necessary, to authenticate his body camera footage of the subject incident. Officer Matthew Rosen may also testify regarding his observations of the arrest of the plaintiff, Ryan Clancy, and other observations relative to the subject incident.

C. Exhibit List

1. Clancy Cell Phone Video 1
2. Clancy Cell Phone Video 2
3. Clancy Cell Phone Video 3
4. #11 – LLOYD_ROBERT_K – Body Worn Camera
5. #12 – LLOYD_ROBERT_K – Body Worn Camera
6. #14 – SCHILCHER_JR_MARLIN_G – Body Worn Camera
7. #16 – ROSEN_MATTHEW – Body Worn Camera
8. #17 – ROSEN_MATTHEW – Body Worn Camera

9. #19 – ROSEN_MATTHEW – Body Worn Camera
10. #20 – ROSEN_MATTHEW – Body Worn Camera
11. #28 – ROSEN_MATTHEW – Body Worn Camera
12. Jeramey Jannene Video
13. May 31, 2020 Emergency Proclamation
14. Voided Citation Issued to Ryan Clancy
15. Milwaukee County Supervisory District Map
16. Milwaukee County Supervisor Biography – Ryan Clancy
17. Photo of Milwaukee County Issued Business Card
18. Photo of Milwaukee County Issued Pin
19. Photo of Milwaukee County Issued Phone
20. Photo of Milwaukee County Issued ID
21. Photographs from Date of Incident
22. Certified Medical Records – Aurora Health Care
23. Defendants' Interrogatory Responses
24. SOP 220 – Arrest Authority
25. SOP 460 – Use of Force
26. SOP 910 – Civil Disturbance and Crowd Management
27. Milwaukee Police Department Code of Conduct

Demonstrative Exhibits

28. Google Map of Intersection
29. Flexi-Cuffs

D. Designations of Testimony

The plaintiff does not anticipate offering any testimony through deposition transcripts, except for purposes of impeachment.

E. Stipulated Facts

Stipulations are separately attached.

F. Jury Trial

- Proposed voir dire questions are attached.
- Proposed substantive jury instructions are attached.
- Proposed verdict form is attached.

Dated: November 16, 2023

MARTIN LAW OFFICE, S.C.

Attorney for Plaintiff(s)

Electronically Signed by Drew J. DeVinney

Drew J. De Vinney
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